

647192_1.DOC
MBS/JPC
September 14, 2006



PATENT APPLICATION
Attorney's Docket No.: 2479.1027-000

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Dennis D. Ferguson and James A. Proctor, Jr.

Application No.: 09/263,358 Group: 2681

Filed: March 5, 1999 Examiner: Sheila B. Smith

Confirmation No.: 1714

For: FORWARD ERROR CORRECTION ON MULTIPLEXED CDMA CHANNELS
ENABLING HIGH PERFORMANCE CODING

CERTIFICATE OF MAILING OR TRANSMISSION	
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, or is being facsimile transmitted to the United States Patent and Trademark Office on:	
<u>September 14, 2006</u>	<u>Marianne Lentini</u>
Date	Signature
<u>Marianne Lentini</u>	
Typed or printed name of person signing certificate	

PETITION FOR EXPEDITED EXAMINATION OF PATENT APPLICATION UNDER 37
C.F.R. § 1.182, STATUS INQUIRY, AND REQUEST FOR CONSIDERATION OF
PREVIOUSLY SUBMITTED AMENDMENT OF OCTOBER 22, 2003

Mail Stop Petitions
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This Petition is being filed in the above-identified application with a petition fee set forth in § 1.17(f). Further examination is requested. This Petition, Status Inquiry and Request is responsive to a telephone conference by and between the Applicants and the Supervisory Examiner Dwayne Bost on August 30, 2006. On or about August 25, 2006 through August 29, 2006, Applicants' attorney made two phone calls to Examiner Sheila Smith and one phone call to

09/19/2006 HLE333 00000119 09263358

01 FC:1462

400.00 OP

Supervisory Examiner Dwayne Bost concerning Applicants' status inquiry of June 2, 2005 relating to the instant patent application.

Applicants' phone calls to the aforementioned Examiners were regarding a concern on the part of Applicants that Applicants had not received an Office Communication or Notice of Allowance in response to Applicants' Reply dated October 22, 2003 or a response to the status inquiry of June 2, 2005. The Reply was duly submitted to the Office as evidenced by a stamped copy of a post card, with the Reply enclosed herewith as Exhibit A, and the post card enclosed herewith as Exhibit D that was received by the Applicants on or about October 27, 2003. A copy of the faxed status inquiry is also enclosed herewith as Exhibit B.

By way of background with regard to the phone calls made in 2006, Examiner Sheila Smith did not respond to Applicants' phone communication of August, 2006 so accordingly Applicants contacted the Supervisory Examiner listed on the last received Office communication. Thereafter, on August 30, 2006, Supervisory Examiner Dwayne Bost timely returned the phone call to the Applicants. Supervisory Examiner Bost informed the Applicants that he was no longer the Supervisory Examiner on the application. The Supervisory Examiner further indicated that Applicants should contact the Office of Petitions concerning any further status inquiries.

Applicants note that no Office Action, Notice of Allowance, Notice of Abandonment, or other responsive communication have been received from the Office in response to the October 22, 2003 Reply or are listed on the USPTO Image File Wrapper. Applicants further cited references in a Supplemental Information Disclosure Statement (hereinafter "SIDS") on February 17, 2004, and, February 17, 2006. The SIDSs were accepted by the Office. Applicants further note that the patent application is listed as "pending" on the USPTO Image File Wrapper, based on Applicants understanding of the status of the patent application, which indicates "Non Final Action Mailed" with a status date March 21, 2003.

Accordingly, Applicants respectfully request that the Office conduct (1) a status inquiry into the current status of the application, (2) an expedited examination of the application and/or (3) consider the previously filed Reply dated October 22, 2003. The Reply was filed on October 22, 2003 via first class mail with a Certificate of Mailing and is attached as Exhibit A with a Petition for an Extension of Time, Supplementary Information Disclosure Statement, and related transmittals.

Applicants also note that on October 22, 2003, Applicants requested a change of the attorney docket number which is also attached as Exhibit C. Applicants further note that on page 1 of the transmittal for the Reply, the transmittal includes a typographical error and lists the serial number incorrectly as “09/263,368” instead of “09/263,358”. Emphasis added.

Applicants state that this typographical error was done unintentionally. Applicants also state that the remainder of the Reply identifies the correct serial number.

A postcard filing receipt was stamped by the Office on October 27, 2003 evidencing receipt of the Reply by the Office. A copy of the postcard filing receipt is also enclosed herewith as Exhibit D. Applicants further enclose a copy of the check no. 51076 in the amount of six hundred dollars submitted with the Reply that was cashed by the Office, further evidencing receipt of the Reply by the Office. The cashed check is attached as Exhibit E. Applicants further enclose numerous status inquiries as Exhibit F associated with Applicants’ diligence in attempting to have the Reply considered.

In consideration of the above statements, it is respectfully requested that the Reply be entered into the record, the examination of the instant patent applicant be considered as expedited, and the patent term be adjusted accordingly.

Applicants' Attorney believes that the Office's delay in responding to the Reply filed on October 22, 2003 is a result of an internal error at the Office, and not on the part of the Applicants. Applicants' Attorney respectfully submits that a Petition fee of \$400.00 under § 1.17(f) is due in this matter. However, if the Applicants' Attorney is in error, please charge Deposit Account No. 08-0380 for any fees that may be due in this matter. One additional copy of this petition is enclosed for accounting purposes.

Respectfully submitted,

HAMILTON, BROOK, SMITH & REYNOLDS, P.C.

By Mark B. Solomon
Mark B. Solomon
Registration No. 44,348
Telephone: (978) 341-0036
Facsimile: (978) 341-0136

Concord, MA 01742-9133

Date: 9/14/06

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Dennis D. Ferguson and James A. Proctor, Jr.
Application No.: 09/263,358
Filed: March 5, 1999
Confirmation No.: 1714
For: Group: 2681
Examiner: Smith, Sheila B.

FORWARD ERROR CORRECTION ON MULTIPLEXED CDMA CHANNELS
ENABLING HIGH PERFORMANCE CODING

CERTIFICATE OF MAILING OR TRANSMISSION	
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, or is being facsimile transmitted to the United States Patent and Trademark Office on:	
Oct. 22, 2003	Elaine Leahy
Date	Signature
Elaine Leahy	
Typed or printed name of person signing certificate	

PETITION FOR EXTENSION OF TIME

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicant hereby petitions the Commissioner for Patents to extend the time for filing a Reply to the Office Action dated May 22, 2003 for one month from September 22, 2003 to October 22, 2003.

	<u>Small Entity</u>	<u>Other than Small Entity</u>
1 month -	\$ 55	\$ 110
2 months -	\$ 210	X \$ 420
3 months -	\$ 475	\$ 950
4 months -	\$ 740	\$1,480
5 months -	\$1,005	\$2,010

- [X] A check is enclosed in the amount of the extension fee indicated above, or the extension fee has been included in the check with the accompanying Reply.
[] Please charge Deposit Account No. 08-0380 in the amount of \$[] to cover the cost of the extension fee.

Any deficiency or overpayment should be charged or credited to Deposit Account No. 08-0380. A copy of this letter is enclosed for accounting purposes.

Respectfully submitted,
HAMILTON, BROOK, SMITH & REYNOLDS, P.C.

By Mark B. Solomon
Mark B. Solomon
Registration No. 44,348
Telephone (978) 341-0036
Facsimile (978) 341-0136

Concord, Massachusetts 01742-9133
Dated: 10/22/03

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Dennis D. Ferguson and James A. Proctor, Jr.
Application No.: 09/263,368 Group: 2681
Filed: March 5, 1999 Examiner: Smith, Sheila B.
Confirmation No.: 1714
For:

FORWARD ERROR CORRECTION ON MULTIPLEXED CDMA
CHANNELS ENABLING HIGH PERFORMANCE CODING

CERTIFICATE OF MAILING OR TRANSMISSION	
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, or is being facsimile transmitted to the United States Patent and Trademark Office on:	
<u>Oct. 22, 2003</u>	<u>Elaine Leahy</u>
Date	Signature
<u>Elaine Leahy</u>	
Typed or printed name of person signing certificate	

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Transmitted herewith is a Reply for filing in the above-identified application.

- ☐ Small entity status of this application under 37 C.F.R. 1.9 and 1.27 has been established by a Small Entity Statement previously submitted.
- ☐ A Small Entity Statement to establish small entity status under 37 C.F.R. 1.9 and 1.27 is enclosed.

The fee has been calculated as shown below:

(COL. 1)		(COL. 2)		(COL. 3)
	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NO. PREVIOUSLY PAID FOR	PRESENT EXTRA
TOTAL	12	MINUS	* 20	0
INDEP	2	MINUS	** 3	0
<input type="checkbox"/> FIRST PRESENTATION OF MULTIPLE DEP. CLAIM				

* not fewer than 20
** not fewer than 3

SMALL ENTITY	
RATE	ADDIT. FEE
X \$9	\$
X \$43	\$
+ \$145	\$

TOTAL = \$ 0

OTHER THAN SMALL ENTITY	
RATE	ADDIT. FEE
X \$18	\$ 0
X \$86	\$ 0
+ \$290	\$

TOTAL = \$ 0

Please charge Deposit Account No. 08-0380 for the following fees:

<input type="checkbox"/>	Petition for [] month Extension of Time	\$	_____
<input type="checkbox"/>	Amendment Fee	\$	_____
<input type="checkbox"/>	Other Fees:		
	_____	\$	_____
	_____	\$	_____
	TOTAL:	\$	<u>0</u>

A check is enclosed in payment of the following fees:

<input checked="" type="checkbox"/>	Petition for two months Extension of Time	\$	<u>420</u>
<input type="checkbox"/>	Amendment Fee	\$	_____
<input checked="" type="checkbox"/>	Other Fees:		
	Information Disclosure Statement	\$	<u>180</u>
	_____	\$	_____
	TOTAL:	\$	<u>600</u>

☒ A general authorization is hereby granted to charge Deposit Account No. 08-0380 for any fees required under 37 C.F.R. 1.16 and 1.17 in order to maintain pendency of this application. A copy of this authorization is enclosed for accounting purposes.

Respectfully submitted,

HAMILTON, BROOK, SMITH & REYNOLDS, P.C.

By Mark B. Solomon
Mark B. Solomon
Registration No.: 44,348
Telephone (978) 341-0036
Facsimile (978) 341-0136

Concord, Massachusetts 01742-9133

Dated: 10/22/03

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Dennis D. Ferguson and James A. Proctor, Jr.

Application No.: 09/263,358 Group: 2681

Filed: March 5, 1999 Examiner: Smith, Sheila B.

Confirmation No.: 1714

For: FORWARD ERROR CORRECTION ON MULTIPLEXED CDMA
CHANNELS ENABLING HIGH PERFORMANCE CODING

CERTIFICATE OF MAILING OR TRANSMISSION	
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, or is being facsimile transmitted to the United States Patent and Trademark Office on:	
<u>Oct. 22, 2003</u>	<u>Elaine Leahy</u>
Date	Signature
<u>Elaine Leahy</u>	
Typed or printed name of person signing certificate	

REPLY

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This Reply is being filed in response to the Office Action mailed from the U.S. Patent and Trademark Office on May 22, 2003 in the above-identified application. Reconsideration and further examination are requested.

An extension of time to respond to the Office Action is respectfully requested. A Petition for Extension of Time and the appropriate fee are being filed concurrently with this Reply.

A Request for Change of Docket Number and Corrected Filing Receipt is also being filed concurrently with this Reply.

REMARKS

Claims 1-12 are pending in the application. Claims 1-12 stand rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-19 of U.S. Patent No. 6,236,647 to Amalfitano in view of Taipale (U.S. Patent No. 6,310,856). Claims 1-12 also stand rejected under 35 U.S.C. 103(a) as being unpatentable over these same references. No amendments are being made. No new matter is being introduced.

Taipale issued October 30, 2001. No indication on the cover page of the patent shows that it was published prior to this date. Applicants believe that the Taipale reference should not be considered prior art as of the filing date, March 5, 1999, of the application at hand under 35 U.S.C. 103(a) or for purposes of non-statutory obviousness-type double patenting because this reference was not available to the public prior to the date of filing. See MPEP 706.02(a), 2126, and 2128. See also *In re Ekenstam*, 256 F.2d 321, 118 USPQ 349 (CCPA 1958) (The date that the patent is made available to the public is the date it is available as a 35 U.S.C. 102(a) or (b) reference.). Since Taipale is not available as a prior art reference, a rejection combining Taipale with Amalfitano is improper. Accordingly, Applicants respectfully submit the double patenting rejection and the non-obviousness rejection under 35 U.S.C. 103(a) are improper and should be withdrawn.

With regard to rejected claims 2-3, 6-9, and 11-12, Applicants note that Amalfitano does not teach everything as claimed in Claim 1. Specifically, Amalfitano does not disclose forward error correction encoding and decoding, as recited in claim 1 and stated in Parts 2 and 3 of the Office Action at hand.

Information Disclosure Statement

An Information Disclosure Statement (IDS) is being filed concurrently herewith. Entry of the IDS is respectfully requested.

CONCLUSION

In view of the above remarks, it is believed that all pending claims (Claims 1-12) are in condition for allowance, and it is respectfully requested that the application be passed to issue. If the Examiner feels that a telephone conference would expedite prosecution of this case, the Examiner is invited to call the undersigned.

Respectfully submitted,

HAMILTON, BROOK, SMITH & REYNOLDS, P.C.

By Mark B. Solomon

Mark B. Solomon

Registration No. 44,348

Telephone: (978) 341-0036

Facsimile: (978) 341-0136

Concord, MA 01742-9133

Dated: 10/22/03

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Dennis D. Ferguson and James A. Proctor, Jr.
Application No.: 09/263,358 Group Art Unit: 2681
Filed: March 5, 1999 Examiner: Smith, Sheila B.
Confirmation No.: 1714

For: FORWARD ERROR CORRECTION ON MULTIPLEXED
CDMA CHANNELS ENABLING HIGH PERFORMANCE
CODING

CERTIFICATE OF MAILING OR TRANSMISSION	
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, or is being facsimile transmitted to the United States Patent and Trademark Office on:	
<u>Oct. 22, 2003</u>	<u>Elaine Leahy</u>
Date	Signature
<u>Elaine Leahy</u>	
Typed or printed name of person signing certificate	

REQUEST FOR CHANGE OF DOCKET NUMBER
AND CORRECTED FILING RECEIPT

Customer Correction Office
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicant's attorney requests that the docket number of record for the above-referenced case be changed from TAN98-24 to 2479.1027-000. This request is made to better identify this application within our offices.

09/263,358

-2-

Please provide a corrected Filing Receipt indicating the new attorney docket number.
Please charge Deposit Account No. 08-0380 for any fees that may be due in this matter.
One additional copy of this document is enclosed for accounting purposes.

Respectfully submitted,

HAMILTON, BROOK, SMITH & REYNOLDS, P.C.

By Mark B. Solomon
Mark B. Solomon
Registration No. 44,348
Telephone: (978) 341-0036
Facsimile: (978) 341-0136

Concord, MA 01742-9133
Date: 10/22/03

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Dennis D. Ferguson and James A. Proctor, Jr.
Application No.: 09/263,368 Group Art Unit: 2681
Filed: March 5, 1999 Examiner: Smith, Sheila B.
Confirmation No.: 1714

Title: FORWARD ERROR CORRECTION ON MULTIPLEXED CDMA CHANNELS
ENABLING HIGH PERFORMANCE CODING

CERTIFICATE OF MAILING OR TRANSMISSION	
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, or is being facsimile transmitted to the United States Patent and Trademark Office on:	
<u>Oct. 22, 2005</u> Date	<u>Elaine Leahy</u> Signature
<u>Elaine Leahy</u> Typed or printed name of person signing certificate	

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This Information Disclosure Statement is submitted:

☐ under 37 CFR 1.129(a), or

(First/Second submission after Final Rejection)

☐ under 37 CFR 1.97(b), or

(Within any one of the following time periods: three months of filing national application (other than a CPA) or date of entry of the national stage in an international application; or before the mailing date of a first office action on the merits in a non-provisional application, including a CPA, or a Request for Continued Examination).

☒ under 37 CFR 1.97(c) together with either:

☐ a Statement under 37 CFR 1.97(e), as checked below, or

☒ a \$180.00 fee under 37 CFR 1.17(p), or

(After the 37 CFR 1.97(b) time period, but before final action or notice of allowance, whichever occurs first)

☐ under 37 CFR 1.97(d) together with:

☐ a Statement under 37 CFR 1.97(e), as checked below, and

☐ a \$180.00 fee under 37 CFR 1.17(p), or

(Filed after final action or notice of allowance, whichever occurs first, but on or before payment of the issue fee)

☐ under 37 CFR 1.97(i):

Applicant requests that the IDS and cited reference(s) be placed in the application filewrapper.
(Filed after payment of issue fee)

Statement Under 37 CFR 1.97(e)

- ☐ Each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement; or
- ☐ No item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the undersigned, after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in 37 CFR 1.56(c) more than three months prior to the filing of this Information Disclosure Statement.

Statement Under 37 CFR 1.704(d) (Patent Term Adjustment)

Applies to original applications (other than design) filed on or after May 29, 2000

- ☐ Each item of information contained in the Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart application and this communication was not received by any individual designated in § 1.56(c) more than thirty days prior to the filing of the Information Disclosure Statement.
- ☒ Enclosed herewith is form PTO-1449:
- ☒ Copies of the cited references are enclosed.
- ☐ Since this application was filed after June 30, 2003, copies of issued U.S. patents and published U.S. applications are not required and are not being provided.
- ☐ Copies of the cited references are enclosed except those entered in prior application, U.S. Application No. [], to which priority under 35 U.S.C. 120 is claimed. [The earlier application contains copies of the cited references.]
- ☐ The listed references were cited in the enclosed International Search Report in a counterpart foreign application.
- ☐ The "concise explanation" requirement (non-English references) for reference(s) [] under 37 CFR 1.98(a)(3) is satisfied by:
- ☐ the explanation provided on the attached sheet.
- ☐ the explanation provided in the Specification.
- ☐ submission of the enclosed International Search Report.
- ☐ submission of the enclosed English-language version of a foreign Search Report and/or foreign Office Action.
- ☐ the enclosed English language abstract.

☐ Applicant requests that the following non-published pending applications be considered:

Examiner's
Initials

____ U.S. Patent Application No. [], by [inventor(s)], filed [], Docket No.: []
____ U.S. Patent Application No. [], by [inventor(s)], filed [], Docket No.: []
____ U.S. Patent Application No. [], by [inventor(s)], filed [], Docket No.: []

Examiner

Date

- ☐ A copy of each above-cited application, including the current claims, is enclosed.
- ☐ A copy of each above-cited application, including the current claims, is enclosed, except those entered in prior application, U.S. Application No. [], to which priority under 35 U.S.C. 120 is claimed.

The Examiner is requested to return a copy of the above list of pending applications indicating which references were considered with the next office communication.

It is requested that the information disclosed herein be made of record in this application.

Method of payment:

- ☒ A check for the fee noted above is enclosed, or the fee has been included in the check with the accompanying Reply. A copy of this Statement is enclosed.
- ☐ Please charge Deposit Account 08-0380 in the amount of \$[]. A copy of this Statement is enclosed.
- ☒ Please charge any deficiency in fees and credit any overpayment to Deposit Account 08-0380.

Respectfully submitted,

HAMILTON, BROOK, SMITH & REYNOLDS, P.C.

By

Mark B. Solomon

Mark B. Solomon

Registration No.: 44,348

Telephone: (978) 341-0036

Facsimile: (978) 341-0136

Concord, MA 01742-9133

Dated: 10/22/03

HAMILTON, BROOK, SMITH & REYNOLDS, P.C.
530 Virginia Road, P.O. Box 9133
Concord, MA 01742-9133

FAXED
6-2-05

Telephone: (978) 341-0036

Facsimile: (978) 341-0136

CENTRAL LOCATION
FACSIMILE COVER SHEET

Examiner: Sheila B. Smith **Group:** 2681

Date: June 2, 2005

Client Code: 2479

Facsimile No.: 703-872-9306

From: Mark B. Solomon

Subject: **Paper:** Status Inquiry

Docket No.: 2479.1027-000

Applicants: Dennis D. Ferguson and James A. Proctor, Jr.

Serial No.: 09/263,358

Filing Date: March 5, 1999

Number of pages including this cover sheet: 2

Please confirm receipt of facsimile: Yes x No

Comments:

Privileged and Confidential - All information transmitted hereby is intended only for the use of the addressee(s) named above. If the reader of this message is not the intended recipient or the employee or agent responsible for delivering the message to the intended recipient(s), please note that any distribution or copying of this communication is strictly prohibited. Anyone who received this communication in error is asked to notify us immediately by telephone and to destroy the original message or return it to us at the above address via first class mail.

DJT/MBS/ec1
1/4/05

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Dennis D. Ferguson and James A. Proctor, Jr.
Application No.: 09/263,358 Group: 2681
Filed: March 5, 1999 Examiner: Smith, Sheila B.
For: Forward Error Correction On Multiplexed CDMA Channels Enabling High
Performance Coding

CERTIFICATE OF MAILING OR TRANSMISSION	
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, or is being facsimile transmitted to the United States Patent and Trademark Office on:	
on <u>June 2, 2005</u>	<u>Elaine Leahy</u>
Date	Signature
<u>Elaine Leahy</u>	

STATUS INQUIRY

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This is a formal status inquiry for the above-referenced patent application. Applicants have received no written communication with regard to this application since receiving the Office Action dated May 22, 2003 for which a Reply was filed with 2 month extension of time on October 22, 2003.

Respectfully submitted,

Mark B. Solomon
Mark B. Solomon
Registration No.: 44,348
Telephone (978) 341-0036
Facsimile (978) 341-0136

Concord, MA 01742-9133
Dated: 6/2/05

Confirmation Report-Memory Send

Time : Jun-02-05 03:08pm
Tel line 1 : 1978-341-0136
Tel line 2 : 1-978-341-0136
Name : HBS&R

Job number : 987
Date : Jun-02 03:07pm
To : #48717038729306
Document Pages : 02
Start time : Jun-02 03:07pm
End time : Jun-02 03:08pm
Pages sent : 02
Job number : 987

*** SEND SUCCESSFUL ***

HAMILTON, BROOK, SMITH & REYNOLDS, P.C.
530 Virginia Road, P.O. Box 9133
Concord, MA 01742-9133

Telephone: (978) 341-0036

Facsimile: (978) 341-0136

CENTRAL LOCATION FACSIMILE COVER SHEET

Examiner: Sheila B. Smith Group: 2681
Date: June 2, 2005
Client Code: 2479
Facsimile No.: 703-872-9306
From: Mark B. Solomon
Subject: Paper: Status Inquiry
Docket No.: 2479.1027-000
Applicants: Dennis D. Ferguson and James A. Proctor, Jr.
Serial No.: 09/263,358
Filing Date: March 5, 1999

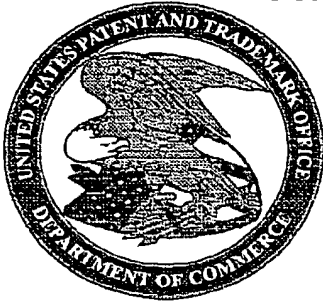
Number of pages including this cover sheet: 2

Please confirm receipt of facsimile: Yes x No

Comments:

Privileged and Confidential - All information transmitted hereby is intended only for the use of the addressee(s) named above. If the reader of this message is not the intended recipient or the employee or agent responsible for delivering the message to the intended recipient(s), please note that any distribution or copying of this communication is strictly prohibited. Anyone who received this communication in error is asked to notify us immediately by telephone and to destroy the original message or return it to us at the above address via first class mail.

Auto-Reply Facsimile Transmission



TO: Fax Sender at 1978 341 0136
Fax Information
Date Received: 6/2/2005 3:08:28 PM [Eastern Daylight Time]
Total Pages: 2 (including cover page)

ADVISORY: This is an automatically generated return receipt confirmation of the facsimile transmission received by the Office. Please check to make sure that the number of pages listed as received in Total Pages above matches what was intended to be sent. Applicants are advised to retain this receipt in the unlikely event that proof of this facsimile transmission is necessary. Applicants are also advised to use the certificate of facsimile transmission procedures set forth in 37 CFR 1.8(a) and (b), 37 CFR 1.6(f). Trademark Applicants, also see the Trademark Manual of Examining Procedure (TMEP) section 306 et seq.

Received
Cover
Page

=====>

Jun-02-05 03:07pm From:HSSAR 1878-341-0136 T-806 P.01/02 F-687

HAMILTON, BROOK, SMITH & REYNOLDS, P.C.
530 Virginia Road, P.O. Box 9133
Concord, MA 01742-9133

Telephone: (978) 341-0036

Facsimile: (978) 341-0136

CENTRAL LOCATION
FACSIMILE COVER SHEET

Examiner: Sheila B. Smith Group: 2681
Date: June 2, 2005
Client Code: 2479
Facsimile No.: 703-872-9306
From: Mark B. Solomon
Subject: Paper: Status Inquiry
Docket No.: 2479.1027-000
Applicants: Dennis D. Ferguson and James A. Proctor, Jr.
Serial No.: 09/263,358
Filing Date: March 5, 1999

Number of pages including this cover sheet: 2

Please confirm receipt of facsimile: Yes ☒ No ☐

Comments:

Privileged and Confidential - All information transmitted hereby is intended only for the use of the addressee(s) named above. If the reader of this message is not the intended recipient or the employee or agent responsible for delivering the message to the intended recipient(s), please note that any distribution or copying of this communication is strictly prohibited. Anyone who received this communication in error is asked to notify us immediately by telephone and to destroy the original message or return it to us at the above address via first class mail.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Dennis D. Ferguson and James A. Proctor, Jr.
Application No.: 09/263,358 Group Art Unit: 2681
Filed: March 5, 1999 Examiner: Smith, Sheila B.
Confirmation No.: 1714
For: FORWARD ERROR CORRECTION ON MULTIPLEXED
CDMA CHANNELS ENABLING HIGH PERFORMANCE
CODING

CERTIFICATE OF MAILING OR TRANSMISSION	
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, or is being facsimile transmitted to the United States Patent and Trademark Office on:	
<u>Oct. 22, 2003</u>	<u>Elaine Leahy</u>
Date	Signature
<u>Elaine Leahy</u>	
Typed or printed name of person signing certificate	

REQUEST FOR CHANGE OF DOCKET NUMBER
AND CORRECTED FILING RECEIPT

Customer Correction Office
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicant's attorney requests that the docket number of record for the above-referenced case be changed from TAN98-24 to 2479.1027-000. This request is made to better identify this application within our offices.

Please provide a corrected Filing Receipt indicating the new attorney docket number.

Please charge Deposit Account No. 08-0380 for any fees that may be due in this matter.

One additional copy of this document is enclosed for accounting purposes.

Respectfully submitted,

HAMILTON, BROOK, SMITH & REYNOLDS, P.C.

By Mark B. Solomon
Mark B. Solomon
Registration No. 44,348
Telephone: (978) 341-0036
Facsimile: (978) 341-0136

Concord, MA 01742-9133

Date: 10/22/03

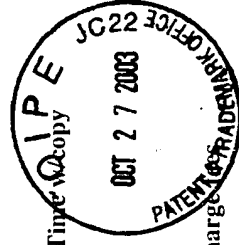
Initials: DJT/MBS/ecl

Docket No.: 2479.1027-000

Date: Oct. 22, 2003

This is to acknowledge receipt of the following documents each filed under Certificate of Mailing Procedure 37 C.F.R. 1.8:

☒ Amendment/Reply Fee Letter w/copy ☒ Pet Ext Time w/copy
☐ AMENDMENT
☐ AMENDMENT AFTER FINAL ACTION
☐ Replacement Sheets [] Sheets
☐ Annotated Marked-Up Drawings [] Sheets
☒ Check for \$ 600
☒ REPLY TO OFFICE ACTION
☒ Other Request for Change of Docket Number and Corrected Filing Receipt,
Supplemental Information Disclosure Statement, Form 1449, cited reference



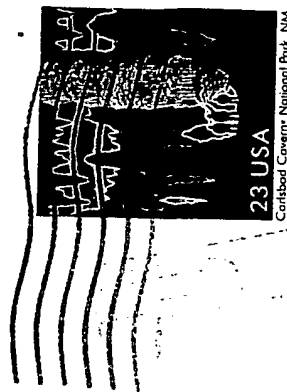
Applicant: Dennis D. Ferguson and James A. Proctor, Jr.

Application No.: 09/263,358

Filed: March 5, 1999

Title: Forward Error Correction on Multiplexed ...

10/27/03
10/27/03
10/27/03



HAMILTON, BROOK, SMITH & REYNOLDS, P.C.

530 VIRGINIA ROAD

P.O. BOX 9133

CONCORD, MASSACHUSETTS 01742-9133



HAMILTON, BROOK, SMITH & REYNOLDS, P.C.

530 VIRGINIA ROAD

P.O. BOX 9133

CONCORD, MA 01742

51076

5-7017

2110

Six Hundred and 00/100

PAY
AMOUNT
OF

TO THE ORDER OF

DATE

10/22/03

Commissioner of Patents and Trademarks

DESCRIPTION

09/263,358

CHECK
NUMBER

51076

CHECK AMOUNT

\$ 600.00

DOLLARS

Security features
include:
- Watermark
- Hologram
- Serial number
- Details on back

CITIZENS BANK
MASSACHUSETTS

Barbara J. Forgue

⑆051076⑆ ⑆211070175⑆ ⑆102131757⑆

⑆00000060000⑆

ENDORSE HERE

X

PATENT AND TRADEMARK
13-10-0001
10-29-2003
FOR CREDIT TO THE
U.S. TREASURY

U.S. DEPARTMENT OF THE TREASURY

U.S. DEPARTMENT OF THE TREASURY

0262

7936

001 70

14531611214 RENT #2459
2501 WOOTEN BLVD. F1015
WILSON NC 27693 1430243

3108897632

CITIZENS 3601/05/231/001
RIVERSIDE, NJ 0812003
011500150

2300502177

0314189631

ENT=3842 TRC=3905 PK=10

For File(s) 2479.1027-000 (TAN98-24)

Call #	Date	From	To	Phone #	Time Begin	Time End	Disposition*
1	11/24/03	EXAMINER Shiela Smith	MBB	703-305-0104	8:30	8:35	Left Voicemail
2	11/24/03	MBB	"	"	12:15.	12:18	Spoke
3							
4							

NOTES

[illegible]

For File(s) 24 79.1027-000

Call #	Date	From	To	Phone #	Time Begin	Time End	Disposition*
8/28		JPL	Examinee	Shelia Smith			unreturned voicemail
8/29			"	Smith & Bast			" "
8/30		JPL	Examiner	Bast			below (spoke)

NOTES

[illegible]